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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

ORION FELIX LI,

Defendant and Appellant.

D053146

(Super. Ct. Nos. MH102376 &
CD212065)

APPEAL from a judgment of the Superior Court of San Diego County, Theodore M. Weathers, Judge. Affirmed.

Orion Felix Li was charged with assault with a deadly weapon and by means of force likely to cause great bodily injury (Pen. Code,¹ § 245, subd. (a)(1)) with personal use of a deadly weapon (§ 1192.7, subd. (c)(23)) and misdemeanor battery (§ 242). The

¹ All further statutory references are to the Penal Code.

court suspended criminal proceedings and ordered a mental competency examination and hearing (§ 1368 et seq.). At the hearing, the court received into evidence a report from the examining psychiatrist. The court concluded that Li was not mentally competent to stand trial and ordered him committed to Patton State Hospital for a maximum term of three years. Li appeals. We affirm.

BACKGROUND

Li had psychotic episodes and prior psychiatric hospitalizations. In December 2007 he was taken to County Mental Health after he hit his father in the head with a metal camping stool. Li was given antipsychotic medication for his impulse control disorder.

Here, the information alleged that on February 26, 2008, Li assaulted his father, personally using a 29-inch metal sword, and used force and violence on his father. The psychiatrist noted that Li provided very little information, had very poor insight and judgment, and appeared to be confused regarding the reason he was in jail. The psychiatrist concluded that Li suffered from bipolar disorder, did not have an adequate understanding of the nature of the proceedings against him, and was unable to cooperate with his attorney in a rational manner to assist in his own defense. The psychiatrist recommended that Li be referred to a state hospital for restoration of competency.

DISCUSSION

Appointed appellate counsel has filed a brief summarizing the proceedings below. She presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California*

(1967) 386 U.S. 738, she lists, as possible but not arguable issues: (1) whether Li was deprived of due process when the court determined his competency without a full adversarial hearing, (2) whether there was sufficient evidence to support the determination that Li was incompetent to stand trial, (3) whether the court erred by failing to advise Li of his right to a jury trial on the issue of competency, and (4) whether defense counsel can unilaterally waive the right to a jury trial on competency.

We granted Li permission to file a brief on his own behalf. He has not responded. A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues listed pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issues. Li has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

McCONNELL, P. J.

WE CONCUR:

HUFFMAN, J.

HALLER, J.